



PATENT
3
Attorney Docket No.: AVIGEN-04082

DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **ADENO-ASSOCIATED VECTORS FOR EXPRESSION OF FACTOR VIII BY TARGET CELLS**, the specification of which was filed on 12/22/99 as Application Serial No. 09/470,618. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim the benefit under Title 35, United States Code, §§ 119(e) and 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

09/364,862	07/30/99	Pending
<i>Application Serial No.</i>	<i>Filing Date</i>	<i>Patented, Pending or Abandoned</i>
60/125,974	03/24/99	Pending
<i>Application Serial No.</i>	<i>Filing Date</i>	<i>Patented, Pending or Abandoned</i>
60/104,994	10/20/98	Abandoned
<i>Application Serial No.</i>	<i>Filing Date</i>	<i>Patented, Pending or Abandoned</i>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor: **Linda B. Couto**

Inventor's Signature: Linda B. Couto

Date: 3/28/00

Residence: 7814 Oak Creek Drive, Pleasanton, California 94588

Citizenship: United States of America

Post Office Address: 7814 Oak Creek Drive, Pleasanton, California 94588

Full Name of Second Joint Inventor: **Peter C. Colest**

Inventor's Signature: Peter C. Colest

Date: 3/28/00

Residence: 2016 Encinal Avenue, Alameda, California 94501

Citizenship: United States of America

Post Office Address: 2016 Encinal Avenue, Alameda, California 94501

Full Name of Third Joint Inventor: **Xiaobing Qian**

Inventor's Signature: Xiaobing Qian

Date: 3/27/2000

Residence: 3310 Fir Avenue, Alameda, California 94502

Citizenship: P.R. China

Post Office Address: 3310 Fir Avenue, Alameda, California 94502



3

PATENT
Attorney Docket No. AVIGEN-04082

Applicant / Patentee: Linda B. Couto *et al.*

Serial No.: 09/470,618

Filed: 12/22/99

For: **ADENO-ASSOCIATED VECTORS FOR
EXPRESSION OF FACTOR VIII BY TARGET CELLS**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR § 1.9(c) - SMALL BUSINESS CONCERN)**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Avigen, Inc.
1201 Harbor Bay Parkway, #1000
Alameda, California 94502

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §§ 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under §§ 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **ADENO-ASSOCIATED VECTORS FOR EXPRESSION OF FACTOR VIII BY TARGET CELLS** by inventors named Linda B. Couto *et al.*, described in Application Serial No. 09/470,618, filed 12/22/99.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: April 17, 2001

By: 

Name: Kenneth G. Chahine, Ph.D., J.D.
Vice President, Business Development
Chief Patent Counsel

Title: _____